

AN ORDINANCE ADOPTING AN ORDINANCE OF THE CITY OF SHINER, TEXAS, IN REGARD TO USE OF UTILITY TERRAIN VEHICLES ON STREETS AND ROADS IN THE CITY OF SHINER, TEXAS, AND ESTABLISHING A PENALTY OF A FINE FOR VIOLATIONS.

WHEREAS, the City has received requests from citizens desiring to use Utility Terrain Vehicle on streets and roads in the City; and

WHEREAS, use of Utility Terrain Vehicle may reduce overall vehicle emissions and use of Utility Terrain Vehicle is an environmentally friendly alternative to use of traditional passenger vehicles; and

WHEREAS, Utility Terrain Vehicle are not usually equipped with certain safety features required or typically found on automobiles or other motor vehicles; and

WHEREAS, the City Council of the City of Shiner, Texas, believes that it would be in the best interest of the City and its citizens to allow use of Utility Terrain Vehicle on streets and roads in the City for which the posted speed limit is not more than 35 miles per hour, provided that the Utility Terrain Vehicle and operator of the Utility Terrain Vehicle are in compliance with the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHINER, TEXAS, that:

Section 1. The Code of Ordinances of the City of Shiner, Texas, be and said Chapter is hereby amended to add this Ordinance concerning operation of Utility Terrain Vehicle in the City of Shiner, Texas.

**ARTICLE ____ . UTILITY TERRAIN VEHICLE
Sometimes referred to as UTVs or Utility Tax Vehicle**

Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Utility Terrain Vehicles are those motorized recreational vehicles that have 4 wheels, and a steering wheel, capable of side by side passenger seating. Specifically excluded from this ordinance regarding Utility Terrain Vehicles are those motorized conveyances commonly referred to as, three wheelers, all-terrain vehicles, ATVs, and four-wheelers, and any vehicles which have

been designed by the manufacturer to allow them to travel at a speed greater than 35 miles per hour. Golf Carts are covered by separate ordinance.

Operator means the person driving and having physical control over a Utility Terrain Vehicle.

Owner means the person holding title to the Utility Terrain Vehicle.

Street means a public roadway of the City of Shiner, Texas, whether called a road, alley, avenue, highway, route, boulevard, street, or other description, that:

- (a) has a posted speed limit of 35 miles per hour or less;
- (b) provides for no more than two lanes of vehicular traffic per direction; or
- (c) is not designated as part of either the state or federal highway system.

Utility Terrain Vehicle Operation Permitted.

Provided that the Utility Terrain Vehicle is equipped as set out in section A Required equipment for Utility Terrain Vehicle, and provided that the Utility Terrain Vehicle is operated in accordance with all provisions set out in section A Operational Regulations, and except for those streets set out in section A Streets where Utility Terrain Vehicle are not permitted, a Utility Terrain Vehicle may be operated on streets within the City of Shiner, Texas, that have a posted speed limit of 35 miles per hour or less, that provide for no more than two lanes of vehicular traffic per direction, and are not designated as part of either the state or federal highway system.

Streets where Utility Terrain Vehicle are not permitted.

Utility Terrain Vehicle are not permitted to be operated on any streets in the City of Shiner, Texas where the posted speed limit exceeds 35 miles per hour.

Required equipment for Utility Terrain Vehicle.

- (a) A Utility Terrain Vehicle must be equipped with the following minimum equipment:
 - (1) Operational head lamps;
 - (2) Operational tail lamps;
 - (3) Side reflectors;
 - (4) Operational parking brake;
 - (5) Rear view mirror or mirrors;
 - (6) Slow moving vehicle sign having a reflective surface designed to be clearly visible in daylight or at night from the light of standard head lamps at a distance of at least 500 feet and mounted base down on the rear of the Utility Terrain Vehicle at a height from 3 to 5 feet

- above the road surface and maintained in a clean, reflective condition; and
- (7) Horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet.

Operational Regulations.

- (a) All operators of Utility Terrain Vehicle must be licensed to operate a motor vehicle and carry a valid drivers license;
- (b) All operators of Utility Terrain Vehicle shall obey all traffic regulations applicable to vehicular traffic;
- (c) Utility Terrain Vehicle shall not be operated on sidewalks;
- (d) The operator of a Utility Terrain Vehicle operating the Utility Terrain Vehicle on a street may cross a street where Utility Terrain Vehicle operation is prohibited but otherwise may not operate a Utility Terrain Vehicle on any street where operation of a Utility Terrain Vehicle is prohibited;
- (e) Utility Terrain Vehicle may not pull trailers or other objects or people;
- (f) The seating capacity of the Utility Terrain Vehicle as designed or designated by the manufacturer of the Utility Terrain Vehicle shall not be exceeded;
- (g) The operator of the Utility Terrain Vehicle and all passengers in the Utility Terrain Vehicle shall be seated at all times while the Utility Terrain Vehicle is in motion;
- (h) Utility Terrain Vehicle passengers under the age of 8 shall be restrained by either a person over the age of 17 or by a seat belt at all times while the Utility Terrain Vehicle is in motion;
- (i) Operators of Utility Terrain Vehicle shall maintain financial responsibility as required for passenger vehicles by the provision of the Texas Transportation Code;
- (j) Utility Terrain Vehicle shall be parked in compliance with all state and City regulations;
- (k) Utility Terrain Vehicle shall not be operated when visibility is impaired due to (1) inclement weather or other conditions, or (2) insufficient light to clearly see persons or vehicles on the street at a distance of 500 feet.

Penalty.

Any person violating any provision of this Article within the city limits shall, upon conviction, be punished by fine not to exceed five hundred dollars (\$500.00). A person may be convicted of violations of more than one provision of this Article for offenses occurring at the same time. Prosecution or conviction under this Article shall not be a bar to other remedies of

relief for violations of this Article or other law.

Section 2. This ordinance shall be effective one day after publication of this ordinance or of the caption to this ordinance in the official newspaper of the City of Shiner, Texas.

PASSED AND APPROVED this 4th day of February, 2019.



FRED HENRY HILSCHER, Mayor

ATTEST:



NATALIE FRIC, City Secretary